

NEDERLAND ECONOMIC DEVELOPMENT CORPORATION

HENRY LABRIE, MID-COUNTY PLAZA, LLC

"OLD TOWN NEDERLAND" - AIRPORT RETAIL DEVELOPMENT

HOW WE GOT HERE AND WHERE ARE WE GOING

SEQUENCE OF EVENTS

Proof of any correspondence and/or minutes listed on this timeline will be provided as exhibits

- ▶ On February 17, 2016 Director Kay Decuir advised the Board that she met with Jim Gilley of Wells Fargo to obtain information regarding the possibility of financing the infrastructure for the land through Bonds. Attorney Jim Wimberley advised that the current Interlocal Agreement with the County states that NEDC will receive not less than 50% or more of the Ad Valorem Tax and all rent money, but could be modified to receive 50% or more of the Ad Valorem Tax plus a dollar-for-dollar match of the Ad Valorem Tax on the lease, which will result in the same net proceeds received from the County. Attorney Wimberley advised the better option would be to Bond the financing. The news media and GLOW Investment representatives were present at this meeting. Minutes attached
- ▶ A motion was made and passed by the Board authorizing Mr. Wimberley and Director Decuir to obtain bids, develop package and present their finding to the Board.
- ▶ On February 18, 2016 an article in the local paper read "Nederland EDC lands a huge development project in front of the Jack Brooks Regional Airport" News article attached.
- ▶ On May 28, 2017 Glow Investment, Inc. enters into a ground lease with Jefferson County.

- ▶ On May 2, 2019, Henry LaBrie and Brandon Monk met with Kay DeCuir and Alex Rupp about development of the airport.
- ▶ On May 15, 2019, Henry LaBrie, Brandon Monk and Tammiey Linscomb did a presentation at the NEDC meeting. No action was taken. Minutes attached
- ▶ On June 13, 2019 Nederland EDC provides written proposal/response to LaBrie presentation. At the time of the NEDC proposal to Mr. LaBrie, their lease with the county had lapsed. News article attached to proposal letter.
- ▶ On June 24, 2019 Jefferson County Commissioner's Court considers airport ground lease from LaBrie and the termination of any Glow Lease, "I just think it's time to hit the reset button, start fresh," said Precinct 2 Commissioner Brent Weaver. "This property has been tied up since February of 2016. That's about 3 ½ years. Put this in perspective. That's 1,222 days."
- ▶ On July 22, 2019 Henry LaBrie signs ground lease with Jefferson County.
- ▶ On January 15, 2020, per Resolution 2020-01, a motion was made and passed by the Board of Directors to earmark \$600,000 for GLOW Investments Group Development at the Landing. Minutes attached.
- ▶ On January 15, 2020, per Resolution 2020-02, a motion was made and passed by the Board of Directors to earmark \$700,000 for Prospective Tenant Investment at the Landing.

▶ On March 24, 2021 a motion was made and passed by the Board of Directors to unrestrict the \$700,000 Reserved Funds for the Airport PRIDE and restrict the amount of \$700,000 as Reserved Funds for Boston Avenue Revitalization. Minutes attached.

▶ On April 21, 2021 Director Decuir shared the following information from the January Financial Report. Committed/Reserve Funds:

- | | |
|---------------------------------|------------|
| 1. Boston Avenue Revitalization | \$ 700,000 |
| 2. Emergency Funds | 750,000 |
| 3. Airport | 2,200,000 |
| 4. Glow/Airport | 600,000 |

▶ Director also shared that she brought a "local Developer to meet with Commissioner Bush and Airport Manager Rupp for a possible development at the Airport.

▶ On May 10, 2021 Mr. Labrie's office hand-delivered a proposal for the airport retail development to NEDC Office. Proposal attached.

► On May 19, 2021, The NEDC has a closed meeting executive session related to the Airport Development; Labrie is not invited to present to Nederland EDC. It was later found out that Kay presented on our behalf without notifying us.

► Director Decuir informed the Board that Glow made a decision not to move forward with their \$88 million dollar project at the Airport.

► Director Decuir requested the Board reallocate the 2.2 million dollars previous allocated for the NEDC development at the Airport to Downtown Development and Revitalization.

► The Board made a motion and passed to unrestrict the \$600,000 Reserved Fund for Glow and restrict the amount of \$600,000 as Reserved Funds for Airport PRIDE Program.

► On May 26, 2021 Kay DeCuir emailed Brandon Monk in a response to a follow-up regarding our proposal letting him know that there would be no incentive from the EDC and they would not need any further information. Email attached. This is the first mention of presenting to the NEDC prior to commencement of construction. At this time the only thing that had been done is move dirt.

► On June 19, 2019, during the EDC meeting, Director Kay DeCuir shared with other board members that a prospective applicant would not be accepted due to not submitting for Board approval prior to the start of project and the majority of the work has been completed. There was no name or company mentioned. Minutes attached.

► On October 1, 2021, Mr. LaBrie engaged me to assist him in seeking an Economic Infrastructure Incentive from NEDC.

► After meeting with Mr. LaBrie and gathering the above information and his request for assistance from NEDC for an Economic Infrastructure Incentive from NEDC, I first completed an Impact Analysis on his proposed project (attached hereto and will be further explained). I spoke to the County Judge and other County Commissioners, the Nederland City Manager, the Mayor and other City Councilmen from the City of Nederland, the Director of Nederland EDC and other NEDC Board Members, and the Airport Manager.

► In my discussion with each of those individuals I learned that ALL supported the project and wanted to find a resolve to bring this project the Nederland, based on the Return on Investment or "ROI" that it would provide the City of Nederland, Jefferson County, the school district and other taxing entities. (Please refer to Impact Analysis).

► When speaking with Director Decuir, she stated the project IS DEAD and Mr. LaBrie knows as such. Ms. Decuir advised me that "due to the fact that construction on the project was clearly commenced by Mr. LaBrie before presenting his plan to the NEDC, such commencement was averse to long-standing NEDC precedent that the NEDC does not provide incentives to entities whose project are both committed and commenced before presentation to the NEDC".

► On October 7, 2021 Brandon Monk emailed Mrs. Decuir a request to be on the next Nederland EDC agenda for a presentation in open session. Mr. LaBrie and Floyd Batiste would be present.

► Kay Decuir responds to Brandon Monk. Email attached. She has made it clear in many formats to Mr. LaBrie and Floyd that there would be no action taken.

In Summary let's look at the Financial Impact Report of this Project


1. Mr. Labrie's Capital Investment will be \$35.6 million for Phase 1 development and is requesting \$1,200,000 in Economic Infrastructure Incentive from NEDC.
2. Estimated Net Benefits per year to the City of Nederland = \$360,610
3. Estimated Net Benefits per year to Jefferson County = \$202,100
4. Estimated Net Benefits per year to School District = \$168,820
5. Estimated Net Benefits per year to Other = \$269,237
6. Estimated New Job Creation that will be created: 70 Direct and 15.5 Spin-off with an Average Annual Salary of \$32,427.
7. The Rate of Return is estimated at 30.1%
8. The Payback Period for NEDC Economic Infrastructure Incentive is 3.4 years.

CONCLUSION

► Based upon the Impact Report, we ask that the Board of Directors consider waiving the “long-standing” *NEDC precedent* of NEDC not provide incentives to developer who is committed and ready to commence construction of this project on Hwy 69 at the Airport as this project will greatly benefit Nederland and serve ALL Jefferson County with its high traffic count.

► I certainly commend the NEDC Director and the board members for the commitment they are making with the investment in on Boston Avenue in Downtown Nederland.

Thank you.



Please see following pages for any
coordinating documentation listed in
the items outlined above.

Building and Landscaping Renderings
are also attached.

NEDERLAND ECONOMIC DEVELOPMENT CORPORATION

Minutes February 17, 2016

MEETING

A meeting of the Nederland Economic Development Corporation was called to order at 4:30 p.m. at the Nederland Economic Development Corporation Office, 1519 Boston Avenue, by President Craig J. Beldaire.

QUORUM

Board members present: Craig J. Beldaire, Larry Ducharme, Jim McNeill, Billy Neal, Bert Rogers and Brian Swindel. Absent: Regan Meaux. Others present: Jim Wimberley, NEDC Attorney, Kay DeCuir, NEDC Executive Director and Christinia Herrmann, NEDC Administrative Secretary. Guests present: Chris Duque, Nederland City Manager, R. A. Nugent, Nederland Mayor, Don Albanese, Nederland Mayor Pro-Tem, David Ball, Port Arthur News Reporter, GLOW Investment Group Representatives Tri Nguyen, Attorney; Ann Quach, Director; Vincent Young, Project Manager; Dr. Jeffrey Chung, Investor; Michelle Chung, Investor; Dr. Johnson Cheng, Investor and Benchmark Hospitality, LLC Representatives, Mukesh "Mookie" Bahkta, Partner and Ketul "Kevin" Akhani, Partner.

INVOCATION AND PLEDGE TO AMERICAN FLAG

Secretary / Treasurer Bert Rogers gave the invocation and Vice President Larry Ducharme led the Pledge.

MINUTES

A motion was made by Larry Ducharme and seconded by Billy Neal to approve the minutes of December 16, 2015.

Motion carried.

Ayes: Beldaire, Ducharme, McNeill, Neal, Rogers and Swindel.

Noes: None. Absent: Meaux

EXECUTIVE SESSION

The regular meeting was recessed at 4:34 p.m. by President Craig J. Beldaire for the purpose of conducting an Executive Session as authorized by the Texas Government Code, Chapter 551.087, to discuss the offer of an incentive to a business prospect; Texas Government Code Chapter 551.071 to discuss litigation and/or legal advice; or Texas Government Code, Chapter 551.072 discuss potential acquisition, exchange, and/or release of property.

RECONVENE

The regular meeting was reconvened by President Beldaire at 5:35 p.m. President Beldaire announced no action was needed on Texas Government Code, Chapter 551.087, to discuss the offer of an incentive to a business prospect; Texas Government Code Chapter 551.071 to discuss

litigation and/or legal advice, or Texas Government Code, Chapter 551.072 to discuss potential acquisition, exchange, and/or release of property.

FINANCIAL REPORT

Director Kay DeCuir shared the December 2015 and January 2016 Financials and pointed out that the January 2016 Sales Tax (for month of December 2015) had surpassed the May 2015 Sales Tax as the highest in the history of the Nederland EDC. Kay noted that the marketing programs, such as "Shop Nederland" campaign (Billboards and Yard Signs), "Light Up Nederland" contest and "Christmas on the Avenue" event are working. She also shared that several businesses began wearing and selling T-Shirt with "Shop Local" printed on them.

THE LANDING

Director Kay DeCuir advised the Board that she had met with Jim Gilley of Weills Fargo Bank to obtain information regarding the possibility of financing The Landing's infrastructure through Bonds. Kay informed them that she and Mr. Gilley also spoke with a Bond Attorney and Tax Attorney regarding the specifics of this project. One item to note is that lease payments may not be used to repay the bond due tax exempt status. However, there are several options to consider in addition to using NEDC Fund Balance. Jim Wimberley advised the current Interlocal Agreement states the NEDC will receive not less than fifty percent (50%) of the Ad Valorem Tax and all rent money but could be modified to receive fifty percent (50%) or more of the Ad Valorem Tax plus a dollar for dollar match of the Ad Valorem Tax on the lease, which will result in the same net proceeds received from County. Jim Wimberley advised the better option would be to Bond the financing and if the Board agreed, they would need to authorize he and Kay to obtain bids, develop bond package and then present to the Board at a future meeting.

A motion was made by Larry Ducharme and seconded by Bert Rogers authorizing Jim Wimberley and Kay DeCuir to obtain bids, develop bond package and present information to Board at a future meeting.

Motion carried.

Ayes: Larry Ducharme, Billy Neal, Bert Rogers and Brian Swindel

Noes: Craig Belaire and Jim McNeill

Absent: Regan Meaux

PRIDE PROGRAM

A discussion was held regarding applications for the PRIDE Program.

An application was received from a business, Sassy Trendz located in the Chatzkies Home Decor building, 1220 Boston Avenue in Nederland, TX. They are requesting one thousand eight hundred fifty dollars and no/100 (\$1,850.00) for a project totaling three thousand seven hundred dollars and no/100 (\$3,700.00) Project is for signage and painting of exterior façade.

A motion was made by Larry Ducharme and seconded by Billy Neal to approve the PRIDE Program application for Sassy Trendz in the amount not to exceed one thousand eight hundred fifty dollars and no/100 (\$1,850.00) for signage and painting of exterior façade located at 1220 Boston Avenue.

Motion carried.

Ayes: Craig Belaire, Larry Ducharme, Jim McNeill, Billy Neal, Bert Rogers and Brian Swindel

Noes: None

Absent: Regan Meaux

An application was received from a business, Junkin Gypsies located at 407 Memorial Highway in Nederland, TX. They are requesting nine thousand dollars and no/100 (\$9,000.00) for a project totaling eighteen thousand dollars and no/100 (\$18,000.00) for signage, lighting and painting.

A motion was made by Bert Rogers and seconded by Larry Ducharme to approve the PRIDE Program application for Junkin Gypsies in the amount not to exceed nine thousand dollars and no/100 (\$9,000.00) for signage, lighting and painting of exterior façade located at 407 Memorial Highway in Nederland.

Motion carried.

Ayes: Craig Belaire, Larry Ducharme, Billy Neal, Bert Rogers and Brian Swindel

Noes: None

Absent: Regan Meaux and Jim McNeill left the meeting prior to vote.

COMMUNICATION

Kay DeCuir informed the Board that so far this budget year, nineteen (19) PRIDE applications have been given out with eight (8) completed, returned and approved. In addition, eleven (11) total CBA applications have been given out with two (2) being completed, returned and approved.

Kay also shared the following with the Board;

- The EDC, Chamber & Heritage Festival enter a float in the Port Arthur Mardi Gras Parade and this year we invited businesses to supply beads or other items with their logos on them to be thrown from our float. Six (6) businesses participated by supplying beads, cups and koozies with their logos or coupons attached.
- On February 8, 2016 six (6) Letters of Intent were presented to Jefferson County Commissioners Court and all were approved. Prior to the presentation, Kay met with each Commissioner to review the development layout
- The EDC staff is currently planning to contact the Jefferson County Sheriff's Department to schedule an "Active Shooters" class for our local businesses
- On February 10, 2016, a report was filed with the Nederland Police Department for an attempted break-in at the EDC. One window screen and the brick window ledge were damaged. Officer Matt Dixon was also informed that on January 26, 2016 the EDC Staff discover the back outdoor light fixture was not working due to lightbulbs were loosened.
- Due upcoming Heritage Festival the March meeting needs to be moved to March 23, 2016.

President Belaire shared information and handouts received from the Regional Forecast Breakfast held in Beaumont on January 12, 2016.

ADJOURN

There being no further business, President Belaire adjourned the meeting at 5:55 pm.



Craig J. Belaire, President



Bert Rogers, Secretary/Treasurer

NEWS

Nederland EDC lands a huge development project in front of Jack Brooks Regional Airport

After years of discussions and planning, the development of The Landing is set to become a reality this year. On Monday, Jefferson County Commissioners agreed to lease 16 1/2 to 18 acres of land along Highway 69, in front of the Jack Brooks Regional Airport, to the Glow Investment Group, out of Houston. A hotel, an events center, an office building and retail shopping are all part of the proposal.

System.Object

Author: kjac
Published: 2/18/2016 6:36:07 PM
Updated: 6:36 PM CST February 18, 2016



After years of discussions and planning, the development of The Landing is set to become a reality this year.

On Monday, Jefferson County Commissioners agreed to lease 16 1/2 to 18 acres of land along Highway 69, in front of the Jack Brooks Regional Airport, to the Glow Investment Group, out of Houston.

On the property, the developers plan to build retail shopping on two acres, a restaurant on two acres, an events center on five acres, a hotel on three to four acres, and an office building on 4 1/2 acres.

The hotel will be four stars, and most likely be two stories high. The office building, could reach up to four stories, which is the maximum the Federal Aviation Administration will allow so close to the airport. The building will most likely be all glass, according to Nederland Economic Development Executive Director Kay DeCuir.

DeCuir and the EDC board of directors are credited with bringing the project to fruition after the previous developer backed out of the proposal. DeCuir told us Glow Investment Group has been a Godsend.

DeCuir said, "You just find the right people, you build the right relationships, and you just don't give up."

The hotel will have between 150 and 250 rooms, and the events center will seat a minimum of 1,000 people.

There will also be a fountain, that will be the main attraction, that will spray dancing water, of different colors. DeCuir says it will be a popular spot for wedding and prom pictures.

DeCuir also says there will be there businesses selling refreshments surrounding the fountain.

The Nederland EDC is fronting \$2 million to pay for the infrastructure on the property, then the EDC and Jefferson County will split the tax revenue from the development. Once the \$2 million is paid off, 100% of the tax revenue will go to the county. The county must spend it on the airport.

DeCuir says that will make it likely that the airport will eventually be self-sufficient. Right now, it's having to be subsidized by county taxpayers.

Groundbreaking on the infrastructure should happen by the end of 2016,

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NEDERLAND ECONOMIC DEVELOPMENT CORPORATION

Minutes
May 15, 2019

MEETING

A meeting of the Nederland Economic Development Corporation was called to order at 4:31 p.m. at the Nederland Economic Development Corporation Office, 1519 Boston Avenue, by Vice - President Brian Swindel.

QUORUM

Board members present: Don Albanese, Stuart Kieschnick*, Regan Meaux*, Billy Neal**, Mike Roebuck, Sylvia Root, and Brian Swindel. Absent: None Others present: Jim Wimberley, NEDC Attorney, Kay DeCuir, NEDC Executive Director and Christinia Herrmann, NEDC Administrative Secretary. Guests: Henry LaBrie, Tammiey Linscomb and Attorney Brandon Monk.
(* arrived late / ** left early)

INVOCATION AND PLEDGE TO AMERICAN FLAG

Kay DeCuir gave the invocation and led the Pledge.

MINUTES

A motion was made by Sylvia Root and seconded by Don Albanese to approve the minutes of April 17, 2019.

Motion carried.

Ayes: Albanese, Meaux, Neal, Roebuck, Root and Swindel.

Noes: None. Absent: Kieschnick (arrived late)

EXECUTIVE SESSION

The regular meeting was recessed at 4:32 p.m. by President Regan Meaux for the purpose of conducting an Executive Session as authorized by the Texas Government Code, Chapter 551.087, to discuss the offer of an incentive to a business prospect; or Texas Government Code Chapter 551.071 to discuss litigation and/or legal advice;

RECONVENE

The regular meeting was reconvened by President Regan Meaux at 6:17 p.m. President Meaux announced no action was needed on Texas Government Code, Chapter 551.087, to offer an incentive to a business prospect; or Texas Government Code Chapter 551.071 litigation and/or legal advice;

PRIDE

Revisions of PRIDE Application / Agreement were completed by Attorney Jim Wimberley. Kay DeCuir pointed out changes to language on page 1, emphasizing the maximum potential grant and the terms of agreement and Item 3 on page 2 regarding requirement of applicant to maintain and operate said improvements/enhancements for the required period of time stated in agreement. Wimberley explained he basically tightened up language to make it clear to applicant that the agreement is a Note and if they perform according to contract, they will not need to payback the PRIDE Incentive. Exhibit B, Approval by NEDC Board of PRIDE Application was added.

A motion was made by Sylvia Root and seconded by Brian Swindel approving the revisions to the PRIDE Program Application/Agreement as presented.

Motion carried.

Ayes: Albanese, Kieschnick, Meaux, Roebuck, Root and Swindel.

Noes: None. Absent: Neal (left early)

PRIDE Application for Vitality Med Spa will be on a later Agenda, as applicant had not submitted all documentation.

FINANCIALS

Kay DeCuir shared the following information

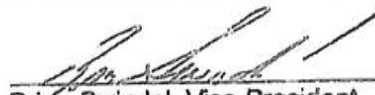
- the April 2019 Financial Reports list the total revenue for April as one hundred three thousand twenty-six dollars and .47/100 (\$103,026.47).
- the projected 2018 – 2019 Budget is eight hundred forty-nine thousand three hundred forty-seven dollars and no/100 (\$849,347.00) and the total revenue Year-To-Date is six hundred forty-four thousand seven hundred sixty-seven and .43/100 (\$644,767.43). We have five months remaining to meet our projected revenue goal and we should exceed projection based on current totals.
- We will be issuing CBA incentives in the near future for a few businesses who will have met the terms of their agreements.

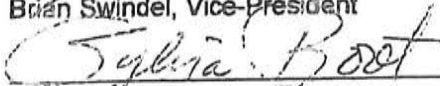
COMMUNICATION

Jim Wimberley reminded Board that Kay would need to update Bond Council on project status and that Arceneaux, Wilson & Cole Engineering would come to NEDC with plans for proposed buildings at The Landing. Kay stated she would keep them informed of upcoming events and notify them if a meeting was needed prior to next scheduled meeting.

ADJOURN

There being no further business, President Meaux adjourned the meeting at 6:28 pm.


Brian Swindel, Vice-President


Sylvia Root, Secretary/Treasurer

7



Nederland Economic Development Corporation

June 13, 2019

Mr. Henry LaBrie, Owner
HS LaBrie Family LP
Mid-County Plaza
10655 FM 365
Beaumont, TX 77705

Dear Henry,

I am writing to you today on behalf of the Nederland Economic Development Corporation, (NEDC) with proposed ground lease specific information regarding your request for development at The Jack Brooks Regional Airport. Information conveyed herein is based upon our conversations with not only you and your team, but also upon information provided by the County, including the Airport management team.

First and foremost, I want to thank you for your interest and I am hoping to make the ground lease aspect of this development as smooth and seamless a process as possible for all parties. Moving forward, I want to stress that all ground lease negotiations should be completed through the Nederland Economic Development Corporation office and approval for future prospective tenants for the development should be handled in the same manner. Attached to this letter you will find the minimum commercial development guidelines that were adopted by the NEDC, the County and the Airport as necessary to protect the business interests of all parties.

The NEDC would like to propose for your Mixed-Use Development a minimum price of \$.02 cents per square foot of all improvements excluding roadways and ditches on a monthly basis, a rate we understand was conveyed as being acceptable and within your preliminary budget for this proposed development. This price will be valid for a minimum of five (5) years and then will increase by an additional \$.01 cent annually every five (5) years, with a full lease term, including optional renewals, to be limited to no more than forty- nine (49) years, as necessary to comply with Airport and FAA regulations and limitations. The determination of lease payments due for any particular developed tract, may also be limited, subject to final approval by the County, such as to exclude from the determination of gross rents due that portion of the property that is not generating income. Thus road ways, permanent green spaces and such should be, once again subject to County approval, excluded from rental obligations. It is also possible, depending upon the actual and intended use of same, that portions of parking areas may also be excluded or leased at a reduced rate, if such arrangements are approved by the County.

The exterior of the back portion of development that you have proposed be in the form of a warehousing Business Park, which "business park" is also to be enclosed by appropriate fencing, may be constructed of metal buildings. However, such metal buildings must be painted and have an appropriate exterior façade that should include either brick, stucco, stone or a combination of all three. You may choose to wrap 2 or 3 sides of each building keeping it in an earth tone color scheme. No full metal buildings with paint alone

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www.nededc.com

will be allowed in the development unless approved, in writing, by (i) the NEDC, (ii) the Airport and (iii) the County. We have worked diligently to make sure the development of the last parcel of land available for development in the City of Nederland is, and remains, appealing to the eye to not only our citizens, but also, if not more importantly, to prospective businesses and tenants and that the development blends across the overall 100 -acre development. Thus, I am sure you understand our requirement that strict compliance with these requirements will be imperative.

The front Retail Pads must also comply with the same standards of exterior façade as the back development. Metal structures may be used on the interior but the exterior façade must be in the earth tone family and be comprised of brick, stucco, stone or a combination of all three, all in compliance with the Airport Commercial Development Design Guidelines attached for your review and consideration. The total design layout must be approved by the NEDC Board of Directors and the NEDC Executive Director before construction commences and any material changes to same are also subject to pre-approval.

The Board and I enjoyed the presentation by your team as to the "Silos development" located in north Beaumont. The "Hanger" Building that was proposed seems to be a perfect fit for this new development. While it has a rustic look on the exterior, surrounded by the other exterior façade buildings, it is our belief that this proposed development will make the Retail Center stand out on its own. To insure no future problems, please also remember that all blueprints and construction specifications must comply with the City of Nederland and Jefferson County Building Codes.

As shared before, the NEDC is not seeking tenants identical to those currently located within the City, but would prefer new additions to our town. I hope this letter finds you well and that we and your team can meet soon and possibly move forward with your development.

Kindest regards,



Kay DeCuir

NEWS

Nederland retail project hits turbulence



Kaitlin Bain

Updated: June 25, 2019 11:13 a.m.



A sign for The Landing stands alongside the feeder road to Highway 69 southbound Wednesday afternoon. The Landing, a proposed shopping center and business park next to Jack Brooks Regional Airport, has been on hold since last year. One one tenant has signed a letter of intent and construction has yet to begin. Photo taken Wednesday 5/13/15 Jake Daniels/The Enterprise

Jake Daniels / Jake Daniels/The Enterprise

More than two years after Jefferson County signed agreements with a real estate investment company for "The Landing," a proposed entertainment and shopping center in Nederland, it's back to the drawing board.

County commissioners on Monday voted unanimously to terminate all written leases between Jefferson County and GLOW Investment Group regarding property at the Jack Brooks Regional Airport.

It also unanimously approved withdrawing from an interlocal agreement with the city of Nederland and the Nederland Economic Development Corp. for development and infrastructure improvements on the same property.

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"In our consultation with our attorney we became aware that the terms for the lease themselves, they had already expired," County Judge Jeff Branick said. "This would be formalizing what actually legally already occurred and opening the county up to other opportunities for development."

Branick said he personally would be open to working with GLOW in the future, but any forthcoming agreement would need to have time constraints to ensure the county isn't left waiting for development.

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Commissioner Brett Weaver, whose precinct the development is in, said he doesn't currently feel comfortable or confident in starting a new lease.

"I believe it's time to go in a new direction," he said.

The Nederland Economic Development Corp. acknowledged GLOW allowed the lease to lapse, but said neither group is to blame for the lack of development.

Executive Director Kay DeCuir said the EDC has been waiting for the Texas Department of Transportation to give its approval for certain parts of the project — requirements before the EDC constructs necessary infrastructure that would allow GLOW to move forward.

Branick told DeCuir he'd follow up with TxDOT on permits related to the project.

"No one is going to put their own private funding into development if there's not a road," DeCuir told the commissioners.

Plans announced when the original leases were signed in 2017 showed GLOW was going to develop the property in six phases to include retail and restaurant space, a hotel, an event center, an office complex and a fountain to make it "a destination" similar to Houston's CityCentre.

TEXAS NEWS

NEWS

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NEWS

Miami commissioners vote to end police chief's stormy tenure

Related: [Plans revived for retail, shopping center near airport](#)

Since 2001, attempts to use the space for a variety of projects including a call center, soccer field, hotels and restaurants have failed.

DeCuir said she plans to send the county an agenda item for a future meeting to re-enter an agreement with GLOW, which could include leasing the property to the EDC, which would then lease it to GLOW. That would take the county out of the process as a lessor.

Weaver said he's not yet sure how he'd like to see the county proceed with seeing investment in the plat of land, but stressed it's "open" to interested parties.

Kaitlin Bain is the Government Reporter for the Beaumont Enterprise. Contact her at Kaitlin.Bain@BeaumontEnterprise.com or on Twitter by clicking [here](#).

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Written By
Kaitlin Bain

Reach Kaitlin on

Kaitlin Bain is the web producer for the Beaumont Enterprise.

NEDERLAND ECONOMIC DEVELOPMENT CORPORATION

Minutes January 15, 2020

MEETING

A meeting of the Nederland Economic Development Corporation was called to order at 4:31 p.m. at the Nederland Economic Development Corporation Office, 1519 Boston Avenue, by President Brian Swindel.

QUORUM

Board members present: Don Albanese, Stuart Kieschnick, Billy Neal, Mike Roebuck, Sylvia Root and Brian Swindel.

Absent: Regan Meaux. Others present: Jim Wimberley, NEDC Attorney, Kay DeCuir, NEDC Executive Director and Christinia Herrmann, NEDC Administrative Secretary. Guest: Chris Duque, City Manager, and Keith Zotsky of Arceneaux Wilson & Cole.

INVOCATION AND PLEDGE TO AMERICAN FLAG

Kay DeCuir gave the invocation and Brian Swindel led the Pledge.

MINUTES

A motion was made by Billy Neal and seconded by Don Albanese to approve the minutes of November 13, 2019.

Ayes: Albanese, Kieschnick, Neal, Roebuck, Root and Swindel.

Noes: None. Absent: Meaux.

TX DOT UPDATE

Keith Zotsky of Arceneaux Wilson and Cole gave an update on the progress of the deceleration lane at the Airport.

EXECUTIVE SESSION

The regular meeting was recessed at 4:40 p.m. by President Swindel for the purpose of conducting an Executive Session as authorized by the Texas Government Code, Chapter 551.087, to discuss the offer of an incentive to a business prospect; or Texas Government Code Chapter 551.071 to discuss litigation and/or legal advice.

RECONVENE

The regular meeting was reconvened by President Swindel at 6:23 p.m. President Swindel announced no action was needed on Texas Government Code, Chapter 551.087, to discuss the offer of an incentive to a business prospect; President Swindel stated action was needed on Texas Government Code Chapter 551.071 to discuss litigation and/or legal advice;

A motion was made by Don Albanese and seconded by Billy Neal to approve the City of Nederland's Funding Request for reconstruction of Hodgson Road for an amount not to exceed eight hundred fifty thousand dollars and no/100 (\$850,000.00). Stuart Kieschnick stated he could not support something that Legal Counsel advised was not appropriate use of funds based on legality. Mike Roebuck suggested possibly postponing and reviewing this item at a later date after completion of other NEDC projects.

Motion Failed

Ayes: Albanese, Neal.

Noes: Kieschnick, Roebuck and Swindel

Abstained: Root Absent: Meaux

RESOLUTIONS

Resolution 2020-01

A motion was made by Sylvia Root and seconded by Don Albanese to earmark six hundred thousand dollars (\$600,000.00) as restricted funds for Glow Investments Group's development at The Landing.

Motion carried.

Ayes: Albanese, Kieschnick, Neal, Roebuck, Root and Swindel.

Noes: None Absent: Meaux

Resolution 2020-02

A motion was made by Billy Neal and seconded by Sylvia Root to earmark seven hundred thousand dollars (\$700,000.00) as restricted funds for Prospective Tenant Incentives at The Landing development.

Motion carried.

Ayes: Albanese, Kieschnick, Neal, Roebuck, Root and Swindel.

Noes: None Absent: Meaux

PRIDE

An application was received from a business, Enhance Wellness, for a project consisting of signage and window graphics at 3312 Hwy 365 in Nederland, TX. They are requesting two thousand eight hundred fourteen dollars and .50/100 (\$2,814.50) on a project totaling five thousand six hundred twenty-nine dollars and no/100 (\$5,629.00).

A motion was made by Sylvia Root and seconded by Don Albanese to approve the PRIDE Program application for Enhance Wellness in the amount not to exceed two thousand eight hundred fourteen dollars and .50/100 (\$2814.50)

Motion carried.

Ayes: Albanese, Kieschnick, Neal, Roebuck, Root and Swindel.

Noes: None Absent: Meaux

COMMUNICATION

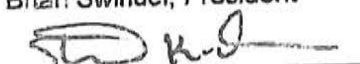
Executive Director Kay DeCuir shared the following

- October, November and December Financials will be reviewed at the February 2020 Meeting
- Chamber of Commerce Annual Installation Banquet – January 16, 2020

ADJOURN

There being no further business, President Swindel adjourned the meeting at 6:34 pm.


Brian Swindel, President


Stuart Kieschnick, Secretary/Treasurer

NEDERLAND ECONOMIC DEVELOPMENT CORPORATION

Minutes March 24, 2021

MEETING

A meeting of the Nederland Economic Development Corporation was called to order at 11:30 a.m. at the Nederland Economic Development Corporation Office, 1519 Boston Avenue, by President Brian Swindel.

QUORUM

Board members present: Bret Duplant, Mitch Macon, Billy Neal, Sylvia Root and Brian Swindel.
Absent: Don Albanese and Mike Roebuck. Others present: Jim Wimberley, NEDC Attorney, Kay DeCuir, Executive Director and Christinia Hermann, Executive Secretary.

MINUTES

A motion was made by Billy Neal and seconded by Bret Duplant to approve the minutes of February 24, 2021.

Motion Carried.

Ayes: Duplant, Macon, Neal, Root and Swindel

Noes: None. Absent: Albanese and Roebuck.

EXECUTIVE SESSION

The regular meeting was recessed at 11:32 a.m. by President Swindel for the purpose of conducting an Executive Session as authorized by the Texas Government Code, Chapter 551.087, to discuss the offer of an incentive to a business prospect; or Texas Government Code Chapter 551.071 to discuss litigation and/or legal advice; or Texas Government Code Chapter 551.072 to discuss acquisition, exchange and/or release of property.

RECONVENE

The regular meeting was reconvened by President Swindel at 12:20 p.m. President Swindel announced no action was needed on Texas Government Code Chapter 551.071 Litigation and/or legal advice or, Texas Government Code Chapter 551.072 to discuss acquisition, exchange, and /or release of property.

President Swindel announced action was needed on Texas Government Code, Chapter 551.087 regarding Economic Development Negotiations.

A motion was made by Mitch Macon and seconded by Bret Duplant to approve entering into a contract with Salenga Construction for a total amount of eighty-eight thousand five hundred twenty dollars and no/100 (\$88,520.00) for a complete interior remodel and all but painting of exterior of 1215 and 1217 Boston Avenue. This breaks down as forty-four thousand two hundred sixty dollars (\$44,260.00) for 1215 Boston Avenue and forty-four thousand two hundred sixty dollars and no/100 (\$44,260.00) for 1217 Boston Avenue.

Motion carried.

Ayes: Duplant, Macon, Root and Swindel.

Noes: None. Absent: Albanese, Roebuck and Neal (left before vote due to family emergency).

A motion was made by Bret Duplant and seconded by Mitch Macon to approve entering into a contract with Bonin Roofing to replace the roofing on both 1215 and 1217 Boston Avenue in an amount of twenty-eight thousand eight hundred nineteen dollars and no/10 (\$28,819.00) which breaks down to fourteen thousand four hundred nine dollars and .50/100 (\$14,409.00) for each.

Motion carried.

Ayes: Duplant, Macon, Root and Swindel.

Noes: None. Absent: Albanese, Roebuck and Neal (left before vote due to family emergency).

PRIDE

An application was received from a business, Doodles, for a project consisting of signage at 1156 Boston Avenue in Nederland, TX. They are requesting one thousand four hundred eighty-three dollars and no/100 (\$1,483.00) on a project totaling two thousand nine hundred sixty-six dollars and no/100 (\$2,966.00).

A motion was made by Sylvia Root and seconded by Mitch Macon to approve the PRIDE Program application for Doodles in an amount not to exceed one thousand four hundred eighty-three dollars and no/100 (\$1,483.00).

Motion carried.

Ayes: Duplant, Macon, Root and Swindel.

Noes: None. Absent: Albanese, Roebuck and Neal (left before vote due to family emergency).

FINANCIALS

Kay DeCuir shared the following from the financial reports received;

- Out of the five Covid Loans the NEDC approved, three have been paid in full.
 - Salon Elle has a balance of \$2,250.00 due by April 3rd to avoid interest
 - Twisted Gypsy has a balance of \$500 due by April 17th to avoid interest
- Requested Board unrestrict the \$700,000.00 Reserved Funds for Airport PRIDE and restrict the amount of \$700,000.00 as Reserved Funds for Boston Avenue Revitalization.

A motion was made by Mitch Macon and seconded by Bret Duplant to unrestrict the \$700,000.00 Reserved Funds for Airport PRIDE and restrict the amount of \$700,000.00 as Reserved Funds for Boston Avenue Revitalization.

Motion carried.

Ayes: Duplant, Macon, Root and Swindel.

Noes: None. Absent: Albanese, Roebuck and Neal (left before vote due to family emergency).

- Pointed out February Financials are actually for the month of December as NEDC's Fiscal Year runs from October through September and reports run two months behind and we have already collected 54% of budgeted revenue.
- Sales Tax Revenue for December was \$72,659.62 and total with Miscellaneous revenue was \$74,223.28

COMMUNICATION

Kay DeCuir shared that

- SETX Economic Development Foundation's Annual Breakfast was held March 11, 2021 and NEDC Board Member Bret Duplant attended as well as Kay. Ray Perryman was keynote speaker. She will share the "It's On" video that was shown at the breakfast as soon as she receives link
- She attended the virtual Golden Triangle Day which was held on March 9, 2021
- City Council approved the abatement and demolition of the Villa Motel. Abatement will occur March 29th and 30th and demolition will occur April 4th and 5th weather permitting
- During recent City Council Meeting she was asked if a realtor would be hired to put motel property (1132 Nederland Avenue) on the market. Kay explained that the sale of 1132 Nederland Avenue would be handled by the Nederland EDC and would not be hiring a realtor.
- The damaged flooring in the lobby and kitchen would be replaced with water proof laminate tile
- Arch Project was started on March 9th without notification to NEDC. NEDC received call from business owner as contractor was taking up parking spaces. Kay had to met with contract and show them where they were to park and place materials. City requested arch to have a powder coating which is an upcharge and Architect was able to work it out to have this down without an upcharge. Installation of Arch will be done on a Sunday

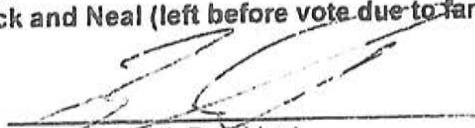
ADJOURN

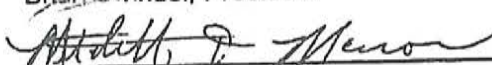
There being no further business, a motion was made by Mitch Macon and seconded by Bret Duplant to adjourn the meeting at 12:32 p.m.

Motion carried.

Ayes: Duplant, Macon, Root and Swindel.

Noes: None. Absent: Albanese, Roebuck and Neal (left before vote due to family emergency).



Brian Swindel, President

Mitch Macon, Secretary/Treasurer

NEDERLAND ECONOMIC DEVELOPMENT CORPORATION

Minutes April 21, 2021

MEETING

A meeting of the Nederland Economic Development Corporation was called to order at 11:30 a.m. at the Nederland Economic Development Corporation Office, 1519 Boston Avenue, by President Brian Swindel.

QUORUM

Board members present: Don Albanese, Bret Duplant, Billy Neal, Sylvia Root and Brian Swindel.
Absent: None. Arrived Late: Mitch Macon and Mike Roebuck. Others present: Jim Wimberley, NEDC Attorney, Kay DeCuir, Executive Director and Christinia Herrmann, Executive Secretary.
Guest: Talmadge Austin, Nederland City Councilman.

INVOCATION AND PLEDGE

Kay DeCuir gave the Invocation and led the Pledge

MINUTES

A motion was made by Billy Neal and seconded by Don Albanese to approve the minutes of March 24, 2021.

Motion Carried.

Ayes: Albanese, Duplant, Neal, Root and Swindel

Noes: None. Absent: Macon and Roebuck.

EXECUTIVE SESSION – Joint City Council

The regular meeting was recessed at 11:31 a.m. by President Swindel for the purpose of conducting an Executive Session as authorized by the Texas Government Code, Chapter 551.087, to discuss Economic Development Opportunities, Financial Alternatives (Boston Avenue Properties).

RECONVENE

The regular meeting was reconvened by President Swindel at 12:09 p.m. President Swindel announced no action was needed on Texas Government Code, Chapter 551.087 Economic Development Opportunities, Financial Alternatives.

Randy Sonnier

Randy Sonnier introduced himself to the Board and announced his candidacy for Nederland City Council. He thanked Don Albanese for appointing him as a member of the Nederland EDC Board of Directors years ago. He also informed current Board Members that he understands the importance of the Nederland EDC and that Nederland's economy is dependent on retail not industry.

EXECUTIVE SESSION

The regular meeting was recessed at 12:11 p.m. for the purpose of conducting an Executive Session as authorized by the Texas Government Code, Chapter 551.087, to discuss Economic Development Opportunities, Financial Alternatives (Boston Avenue Properties); Chapter 551.071 Litigation and/or Legal Advice; and/or Chapter 551.072, Acquisition, Exchange and/or release of property.

RECONVENE

The regular meeting was reconvened by President Swindel at 1:00 p.m. President Swindel announced no action was needed on Texas Government Code, Chapter 551.071, Litigation and/or legal advice.

President Swindel announced action was needed on Texas Government Code, Chapter, 551.087, Economic Development Opportunities, Financial Alternatives and Texas Government Code, Chapter 551.072, Acquisition, Exchange and/or release of property

A motion was made by Sylvia Root and seconded by Mitch Macon to approve the expenditure of funds, to purchase the Bank Parking lot (Legal Description: N ½ Blk 16 and All of 1 & 6 20' Alley) for an amount not to exceed three hundred eighty thousand dollars and no/100 (\$380,000.00)
Motion Carried.

Ayes: Albanese, Duplant, Macon, Neal, Roebuck, Root and Swindel
Noes: None

PRIDE/COST BUSINESS ANALYSIS

A Cost Business Analysis application was received from a business, Imprint Studios, LLC (Tees 2 UR Door), for an expansion project.

A motion was made by Bret Duplant and seconded by Sylvia Root to approve the expenditure of funds, not to exceed sixty-five thousand dollars and no/100 (\$65,000.00) with a payback of less than 2 years, to Imprint Studios, LLC (Tees 2 UR Door).

Motion carried.

Ayes: Albanese, Duplant, Macon, Neal, Roebuck, Root and Swindel.
Noes: None. Absent: None

FINANCIALS

Secretary/Treasurer Mitch Macon and Kay DeCuir shared the following from the January Financial Reports received;

- Sales Tax Revenue down 17.92 % from previous year
- Committed/Reserve Funds: Boston Avenue Revitalization - \$700,000.; Emergency Funds - \$750,000.; Airport - \$2,200,000.; Glow/Airport - \$600,000.
- Month to Date Total Revenue - \$67,254.53
- Month to Date Total Sales Revenue - \$66,665.56 and the Year-To-Date Total Sales Revenue - \$506,724.25
- Covid Loan Balance - \$7,250.00 as of January – All loans were paid back by April 3, 2021
- Pride Programs Funded: ZaZa's Boutique - \$5,345.33; Nederland Seafood House - \$10,000.00; Trigoals - \$10,000.00
- Building Fund – Purchase of building – 1215/1217 Boston - \$232,803.51; Insurance – 1215/1217 Boston - \$1,112.44.

Kay reviewed the current Collection Status of Xtreme Wireless and noted timely monthly payments have been made since March 2007 and asked if the Board would consider closing out file. Attorney Jim Wimberley stated it could be considered based on the formula used to set up payment schedules for closed businesses, number of years business was opened and with the low remaining balance of \$5,350.35.

A motion was made by Mitch Macon and seconded by Bret Duplant to forgive remaining balance on Xtreme Wireless and close Collection File.

Motion Carried.

Ayes: Duplant, Macon, Neal, Roebuck, Root and Swindel.
Noes: Albanese.

COMMUNICATION

Kay DeCuir shared that

- She brought a local developer to meet with Commissioner Darrell Bush and Airport Manager, Alex Rupp for a possible development at the Airport.
- She would like to have a member of the EDC Board, other than a City Council Member, attend future City Council Meeting when EDC Presentations are scheduled.

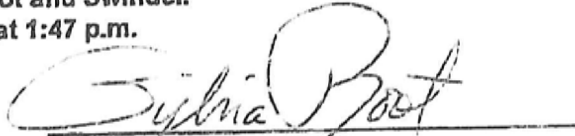
ADJOURN

There being no further business, a motion was made by Bret Duplant and seconded by Billy Neal to adjourn the meeting at 1:50 p.m.

Motion carried.

Ayes: Albanese, Duplant, Macon, Root and Swindel.

Noes: None. Absent: Roebuck left at 1:47 p.m.

A handwritten signature in cursive script, appearing to read "Brian Swindel", written over a horizontal line.

Brian Swindel, President

A handwritten signature in cursive script, appearing to read "Mitch Macon", written over a horizontal line.

Mitch Macon, Secretary/Treasurer

Mid-County Plaza, LLC.

P.O. Box 22217

Beaumont, Texas 77720

T: (409)796-1020 F: (409)796-2626

EDC PROPOSAL FOR INFRASTRUCTURE PLACEMENT FUNDS

A. Site Work	\$165,000.96
a. Dirt (5) 12,000 sq.ft. pads. 60,000 sq.ft in total.	
b. 31,000 cubic yards of dirt places @ \$5.50/ cubic yard in place	
B. 1800 Linear Feet of 6" Water Line (+/-)	
a. City water equipment, labor and materials	\$57,250.30
b. Specialty fittings	\$6,925.10
C. Sewer 10" Tie In to Lift Station	
a. 1,900 linear feet (+/-)	\$43,795.50
b. Special fitting	\$4,627.53
c. Miscellaneous fittings for tie in	\$2,120.59
d. Miscellaneous city equipment, labor and dress up	\$2,610.86
D. Underground Storm Sewer	\$195,270.00
a. As per drawings 2,600 linear feet (+/-)	
b. Dirt removal and redress up	
c. To grade materials, materials, labor and equipment as per engineered drawings	
E. Surveyor's Layout & Drawings	\$10,270.20
F. Engineering Cost Project	\$29,288.96
G. Private Road	\$569,500.00
a. 2,100 linear feet (+/-)	
b. 67,000 sq.ft (+/-) @\$8.50 per sq.ft	
H. Landscaping Front Service Road 1,500 Linear Feet	\$126,110.00
a. Design, labor and materials	
I. Water & Sewer Taps (est.)	\$19,725.10
J. Permitting Throughout Retail (est.)	\$12,500.36
K. Underground Power Services	\$28,210.00
a. Entergy easement to buildings	
b. 5 retail centers	
L. 3 Fire Hydrants Installed	\$6,950.00
M. Detention Pond Lump Sum	\$52,906.30
a. Equipment and labor complete with piping	
N. Recutting Ditch Next to Sergeant Mike Lane St.	\$13,770.88
O. Sewage Throughout Retail Centers	\$39,777.00
P. Supervision	\$76,105.11
Q. Trucks/ Mobilization	\$27,210.29
R. Insurance (Builders Risk)	\$18,110.96
S. Clerical	\$31,213.78
T. Sergeant Mike Lane Street	\$408,000.80
a. Concrete cap entire street to preserve and maintain street and location	
b. 1,600 linear feet x 30' wide 48,000 sq.ft. @ \$8.00	
U. Driveway Culverts- Retail Projects	\$23,337.80
V. After All Work Underground completed, redress up & cut to grade	\$15,080.00
a. Redress up, cut to grade, equipment & labor (150 man hours with dozer and fuel)	
W. Temporary Office & Toilets with Servicing	\$12,262.41
X. On Site Storage Containers	\$3,800.00
Y. Total Miscellaneous for Total Project 5%	\$100,086.54
Z. General Contractor Mark Up 20%	\$400,346.16

Total: \$2,502,163.49

In our professional opinion, we feel that assisting in this infrastructure we can generate \$5,801,600.00 more or less in total tax revenue over the next 49 years. This is the only large tract of vacant land that Nederland can generate additional taxes not only for the city but for the school district as well. This is our opportunity to work together to make sure the development of the last large parcel of land available for development in the City of Nederland is, and remains, appealing to the eye to the citizens and prospective businesses and tenants.

We previously presented to the EDC board related to this retail development and there was interest, however, that interest did not result in the award of an offer of economic incentive from Nederland EDC that was within its control. We are hopeful that our track record at the Airport will motivate the EDC to reconsider.

I was a student of the Nederland Independent School District and graduated from Nederland High School in 1975. I own and operate a local business in which I hire, buy finance and invest locally in support of our community. We project to generate an income of \$68,800.00 in school taxes per year and \$3,371,200.00 over the next 49 years.

We believe in Nederland to set the example and raise the standard to bring in more business to Mid- County which will generate sales taxes through restaurants and gas purchases daily.

My Constitution states 'We The People'. It does not state I, Henry LaBrie. We the people can accomplish anything together. We live for the future, not for the past. Our motto is: The past is history. Tomorrow is our future.

The new development that our company has constructed has generated over 230 jobs in Mid-County in the last 14 months alone. We believe that to be impressive by anyone's standards. There has not been another developer to create that many jobs in such a short time in our area. Our hope is to continue to create many job opportunities for our community.

My company has a proven track record of constructing and leasing retail space which has provided needed tax revenues for the City of Beaumont and Jefferson County. I believe it is time to bring those tax revenues home. I look forward to working with the EDC and the City of Nederland to facilitate this project. Should you have any questions relative to the foregoing, please do not hesitate to contact me. I will be available to review the specifications and cost at your leisure.

Sincerely,

Henry LaBrie
President- Mid-County Plaza, LLC

**This estimate includes only all underground infrastructure prior to any buildings, parking etcetera.*



NEDERLAND ECONOMIC DEVELOPMENT CORPORATION

Minutes
May 19, 2021

MEETING

A meeting of the Nederland Economic Development Corporation was called to order at 4:30 p.m. at the Nederland Economic Development Corporation Office, 1519 Boston Avenue, by Vice-President Sylvia Root.

QUORUM

Board members present: Don Albanese, Bret Duplant, Mitch Macon, Billy Neal, and Sylvia Root
Absent: Mike Roebuck and Brian Swindel. Others present: Jim Wimberley, NEDC Attorney, Kay DeCuir, Executive Director and Christinia Herrmann, Executive Secretary.
Guests: Deb Cowart, Coldwell Banker Commercial Arnold and Associates and Scott Sebastian, Checkerboard Restaurants VII, Inc.

INVOCATION AND PLEDGE

Kay DeCuir gave the Invocation and led the Pledge

MINUTES

A motion was made by Billy Neal and seconded by Don Albanese to approve the minutes of April 21, 2021.

Motion Carried.

Ayes: Albanese, Duplant, Macon, Neal, and Root.

Noes: None. Absent: Roebuck and Swindel.

EXECUTIVE SESSION

The regular meeting was recessed at 4:31 p.m. by Vice-President Root for the purpose of conducting an Executive Session as authorized by the Texas Government Code, Chapter 551.087, to discuss the offer of an incentive to a business prospect; or Texas Government Code Chapter 551.071 to discuss litigation and/or legal advice; or Texas Government Code Chapter 551.072 to discuss potential acquisition, exchange, and/or release of property.

RECONVENE

The regular meeting was reconvened by Vice-President Root at 5:27 p.m. Vice-President Root announced no action was needed on Texas Government Code, Chapter 551.071, Litigation and/or legal advice.

Vice-President Root announced action was needed on Texas Government Code, Chapter, 551.087, Economic Development Opportunities, Financial Alternatives and Texas Government Code, Chapter 551.072, Acquisition, Exchange and/or release of property

A motion was made by Bret Duplant and seconded by Mitch Macon to accept the contract presented by Checkers Restaurants VIII, Inc for the property located at 1132 Nederland Avenue, for an amount of four hundred thousand dollars and no/100 (\$400,000.00).

Motion Carried.

Ayes: Albanese, Duplant, Macon, Neal, and Root.

Noes: None. Absent: Roebuck and Swindel.

NEDC INSURANCE RESOLUTION 2021-01

A motion was made by Billy Neal and seconded by Mitch Macon to approve NEDC Insurance Resolution 2021-01 regarding employee insurance coverage for 2021 – 2022, effective July 1, 2021. (Coverage expense for health and life remained the same with the same provider and the

Long-Term Disability benefit will be raised to meet the comparable municipal benchmarks as advised by the City's insurance consultant.)

Motion Carried.

Ayes: Albanese, Duplant, Macon, Neal, and Root.

Noes: None. **Absent:** Roebuck and Swindel.

FINANCIALS

Kay DeCuir, Executive Director informed the Board that GLOW made a decision not to move forward with their eighty-eight-million-dollar project at the Airport, as they did not believe it would be a wise investment now, due to the development that would be adjacent to their high-end development. Mrs. DeCuir requested the funds of six hundred thousand previously committed to GLOW's development be reallocated as committed funds for Airport PRIDE Program.

In addition, Mrs. DeCuir requested the Board reallocate the two million two hundred thousand dollars and no/100 (\$2,200,000.00), previous allocated for the Nederland Economic Development Corporation's development at the Airport, to Downtown Development and Revitalization.

Secretary/Treasurer Mitch Macon shared the following from the March Financial Reports received;

- Total Monthly Revenue \$103,993.24 and Total YTD Revenue \$639,412.46
- Total Sales Tax \$98,755.81 and Total YTD Sales Tax \$605,480.06. Need \$188,541.94 to meet budgeted sales tax. With 6 months remaining in fiscal year, we should exceed budget.
- Interest Income was \$2,687.43, Misc. Income \$50.
- Over budget in
 - Food by \$1,444.69 – Business Recognition Dinner was budgeted in 2019/2020, was delayed due to Covid and expense rolled to 2020/2021 Budget and added Board Lunches (Nov – Apr)
 - Postage/Freight by \$56.95 – Post Office Box Rental increased \$84.00 per year
 - Printing/Binding by \$7.98 – Blueprint copies of Arch
 - Insurance Gen by \$3,612.44 – extended Liability to 1132 Nederland Avenue property and added coverage & extended liability to 1215 and 1217 Boston Avenue properties
 - Bldgs., Fixtures & Grounds by \$344,181.57 – Purchase inspections, appraisal of 1215 – 1217 Boston Avenue and Abatement/Demo of 1132 Nederland Avenue

A motion was made by Bret Duplant and seconded by Don Albanese to unrestrict the \$2,200,000.00 Reserved Funds for Airport Development and restrict the amount of \$2,200,000.00 as Reserved Funds for Downtown Revitalization and Expansion.

Motion carried.

Ayes: Albanese, Duplant, Macon, Neal, and Root.

Noes: None. **Absent:** Roebuck and Swindel.

A motion was made by Billy Neal and seconded by Mitch Macon to unrestrict the \$600,000.00 Reserved Funds for GLOW and restrict the amount of \$600,000.00 as Reserved Funds for Airport PRIDE Program.

Motion carried.

Ayes: Albanese, Duplant, Macon, Neal, and Root.

Noes: None. **Absent:** Roebuck and Swindel.

COMMUNICATION

Kay DeCuir shared

- The Golden Cup celebrated their one-year anniversary in February after a year of Covid restrictions and recently announced they will be expanding the services they offer and enlarging their space.
- Suga Momma Confections out of Groves has leased 6600 square foot space on Boston Avenue as a second location. The Nederland location will be their main bakery and they will also have a boutique in a portion of the space.
- Arch Project has been delayed due to rain. The bricking of columns has begun with the application of cinder blocks painted black. Bricks will be attached to the cinderblock base
- 1215/1217 Boston, there will be an approximate \$1,000.00 increase for the roof replacement due to cost increase of roofing materials.

Mitch Macon thanked Mayor Albanese and City Council Members Billy Neal and Sylvia Root for their work on City Council.


ADJOURN

There being no further business, a motion was made by Billy Neal and seconded by Mitch Macon to adjourn the meeting at 5:55 p.m.

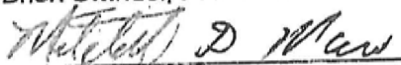
Motion carried.

Ayes: Albanese, Duplant, Macon, Neal, and Root.

Noes: None. Absent: Roebuck and Swindel.



Brian Swindel, President



Mitch Macon, Secretary/Treasurer



Brandon Monk <brandon@themonklawfirm.com>

Re: Nederland EDC - LaBrie

1 message

Nederland Economic Development Corporation <kdecur@nededc.com>
To: Brandon Monk <brandon@themonklawfirm.com>

Wed, May 26, 2021 at 10:47 AM

Although no specific requested incentive amount or form was detailed by Mr. LaBrie or his company in information presented to the NEDC staff, at the most recent NEDC Board Meeting, I made a presentation on behalf of Mr. LaBrie based on the information, including projected expense information, that his courier had delivered to the NEDC offices. The NEDC Board reviewed and discussed, in closed session, the project renderings and the proposed construction budget presented on behalf of Mr. Labrie. As you know, action related to economic incentives cannot be taken during closed session.

Upon returning to open session, NEDC Board took no action (i.e., the proposal was not officially acted upon since no motion was made to advance same) on Mr. LaBrie's proposal despite having an opportunity to do same after the closed session. While discussions during the closed session as to economic incentives are confidential, as Executive director, I can advise that due to the fact that construction on the presented project was clearly commenced by LaBrie before presenting his plan to the NEDC, such commencement was adverse to long-standing NEDC precedent that the NEDC does not provide incentives to entities whose projects are both committed and commenced before presentation to the NEDC. In light of the fact that LaBrie has both commenced construction and is apparently already committed to his project, I do not believe that any additional information will be relevant to the NEDC Board.

Thank you

On Wed, May 26, 2021 at 8:40 AM Brandon Monk <brandon@themonklawfirm.com> wrote:

Mr. LaBrie asked me to follow up to see if the Nederland EDC needs any more information from him related to his submission for the Jack Brooks Regional Airport Retail Development. If you need anything further from him please let me know. Thank you for your time.

The Monk Law Firm
4875 Parker Dr.
Beaumont, TX 77705
409-724-6665 (phone)
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Kay DeCuir, Executive Director
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NEDERLAND ECONOMIC DEVELOPMENT CORPORATION

Minutes June 19, 2019

MEETING

A meeting of the Nederland Economic Development Corporation was called to order at 4:34 p.m. at the Nederland Economic Development Corporation Office, 1519 Boston Avenue, by Secretary/Treasurer Sylvia Root.

QUORUM

Board members present: Stuart Kieschnick, Billy Neal, Mike Roebuck and Sylvia Root. Absent: Don Albanese, Regan Meaux and Brian Swindel. Others present: Jim Wimberley, NEDC Attorney, Kay DeCuir, NEDC Executive Director and Christinia Herrmann, NEDC Administrative Secretary.

INVOCATION AND PLEDGE TO AMERICAN FLAG

Kay DeCuir gave the invocation and led the Pledge.

MINUTES

A motion was made by Stuart Kieschnick and seconded by Billy Neal to approve the minutes of May 15, 2019.

Motion carried.

Ayes: Kieschnick, Neal, Roebuck and Root.

Noes: None. Absent: Albanese, Meaux and Swindel

EXECUTIVE SESSION

The regular meeting was recessed at 4:35 p.m. by Secretary/Treasurer Sylvia Root the purpose of conducting an Executive Session as authorized by the Texas Government Code, Chapter 551.087, to discuss the offer of an incentive to a business prospect; or Texas Government Code Chapter 551.071 to discuss litigation and/or legal advice;

RECONVENE

The regular meeting was reconvened by Secretary/Treasurer Sylvia Root at 4:43 p.m. Secretary/Treasurer Root announced no action was needed on Texas Government Code, Chapter 551.087, to offer an incentive to a business prospect; or Texas Government Code Chapter 551.071 litigation and/or legal advice;

PRIDE

An application was received from a business, HMH Group, for a project consisting of patching holes in exterior facade, pressure washing and painting exterior at 3503 Nederland Avenue in Nederland, TX. They are requesting five thousand dollars and no/100 (\$5,000.00) on a project totaling ten thousand dollars and no/100 (\$10,000.00).

No motion received.

Motion failed.

An application was received from a business, Tees 2 U R Door, for a project consisting of adding an awning, concrete parking area, painting exterior, signage and landscaping at 1166 Boston Avenue in Nederland, TX. They are requesting ten thousand dollars and no/100 (\$10,000.00) on a project totaling twenty-five thousand dollars and no/100 (\$25,000.00).

A motion was made by Mike Roebuck and seconded by Stuart Kieschnick to approve the PRIDE Program application for Tees 2 U R Door in the amount not to exceed ten thousand dollars and no /100 (\$10,000.00) for an awning, painting exterior, concrete parking area, signage and landscaping at 1166 Boston Avenue in Nederland, Texas.

Motion carried.

Ayes: Kieschnick, Neal, Roebuck and Root.

Noes: None. Absent: Albanese, Meaux and Swindel

An application was received from a business, Vitality Med Spa, for a project consisting of signage at 1003 Nederland Avenue in Nederland, TX. They are requesting three thousand six hundred ninety-four dollars and .03/100 (\$3,694.03) on a project totaling seven thousand three hundred eighty-eight dollars and .06/100 (\$7,388.06).

A motion was made by Stuart Kieschnick and seconded by Billy Neal to approve the PRIDE Program application for Vitality Med Spa in the amount not to exceed three thousand six hundred ninety-four dollars and .03/100 (\$3,694.03) for signage at 1003 Nederland Avenue in Nederland, Texas.

Motion carried.

Ayes: Kieschnick, Neal, Roebuck and Root.

Noes: None. Absent: Albanese, Meaux and Swindel

FINANCIALS

Kay DeCuir shared the following

- Interest income is good
- May 2019 Financial Reports indicate one hundred seventeen thousand, seven hundred ninety-one dollars and .22/100 (\$117,791.22) remaining to collect to meet the budgeted Total Revenue for 2018 – 2019.
- Total revenues for May was eighty-six thousand, seven hundred eighty-eight dollars and .35/100 (\$86,788.35).
- Budgeted Categories with large amounts remaining will be lower by end of fiscal year, as they include expenses which will occur later in fiscal year, such as conferences / trade shows, painting of porch, billboards, etc.
- Incentive for Whataburger has been issued and incentives for Judice's, Brick Oven Pizza and Hargrove are expected to be paid out before the end of fiscal year.

RESOLUTION 2019-04 NEDC HEALTH BENEFIT PLAN CHANGES

A discussion was held and a motion was made by Billy Neal and seconded by Mike Roebuck approving the continuation of Defined Contributions and Standard Plan for Employee Health Insurance as well as the Employee Dental Insurance and Life / AD&D and Vision Insurance for the Plan Year July 1, 2019 – June 30, 2020. The Health and Dental will be through Blue Cross Blue Shield, Life and Accidental Death & Dismemberment through Dearborn National and the Vision will remain with United Health Care.

Motion Carried.

Ayes: Kieschnick, Neal, Roebuck and Root.

Noes: None. Absent: Albanese, Meaux and Swindel

2020 BUDGET

The 2019-2020 Budget has been set at \$868,527.00.

A motion was made by Stuart Kieschnick and seconded by Billy Neal to approve the 2019 – 2020 Budget.

Motion carried.

Ayes: Kieschnick, Neal, Roebuck and Root.

Noes: None. Absent: Albanese, Meaux and Swindel

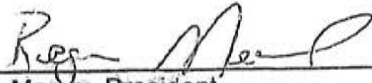
COMMUNICATION

Executive Director Kay DeCuir shared the following:

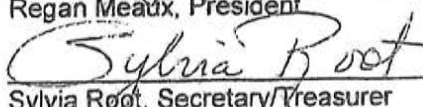
- Touch of Cajun Café and Catering opened on Boston Avenue and will be serving lunch and dinner.
- Merle Norman relocated from Central Mall to Nederland Avenue
- NEDC staff meet with a Prospective applicant several months ago and the PRIDE Program was reviewed with them and they were given a PRIDE application. The prospective applicant has proceeded with the project without returning the completed application, photos and bids and the majority of the work has been completed. If they return to NEDC with the application, it will not be accepted due to not submitting for Board approval prior to the start of project.

ADJOURN

There being no further business, Secretary/Treasurer Root adjourned the meeting at 5:19 pm.



Regan Meaux, President



Sylvia Root, Secretary/Treasurer

Fwd: Nederland EDC - LaBrie**kdecur@nededc.com** <kdecur@nededc.com>

Thu, Oct 7, 2021 at 11:53 AM

To: Brandon Monk <brandon@themonklawfirm.com>, jim@jwimberley.com, Misti Bell <Misti@jwimberley.com>

Cc: Ana Trevino <analisa365@gmail.com>, Shayla Vincent <shaylav365@gmail.com>, Leigh Root <leighroot365@gmail.com>

This project has already started and under construction and the NEDC Board did not take action on it at the last presentation and documentation presented by Courier for Mr. LaBrie. This has been explained in many formats of communication to you, Mr. LaBrie and most recently to Floyd.

If it is the same project as in the past for the Airport Development, that has already been on the Agenda, the NEDC Board made no motion to support this project with an incentive. At this point, the developer can send potential tenants to qualify for an incentive.

I will consult with our attorney as most presentations allowed are only for 3-5 minutes and no more.

We have a full day of events here so I will let our counsel get back with you.

Kindest regards,

From: Brandon Monk <brandon@themonklawfirm.com>**Sent:** Thursday, October 7, 2021 8:52 AM**To:** Nederland Economic Development Corporation <kdecur@nededc.com>**Cc:** Ana Trevino <analisa365@gmail.com>; Shayla Vincent <shaylav365@gmail.com>; Leigh Root <leighroot365@gmail.com>**Subject:** Re: Nederland EDC - LaBrie

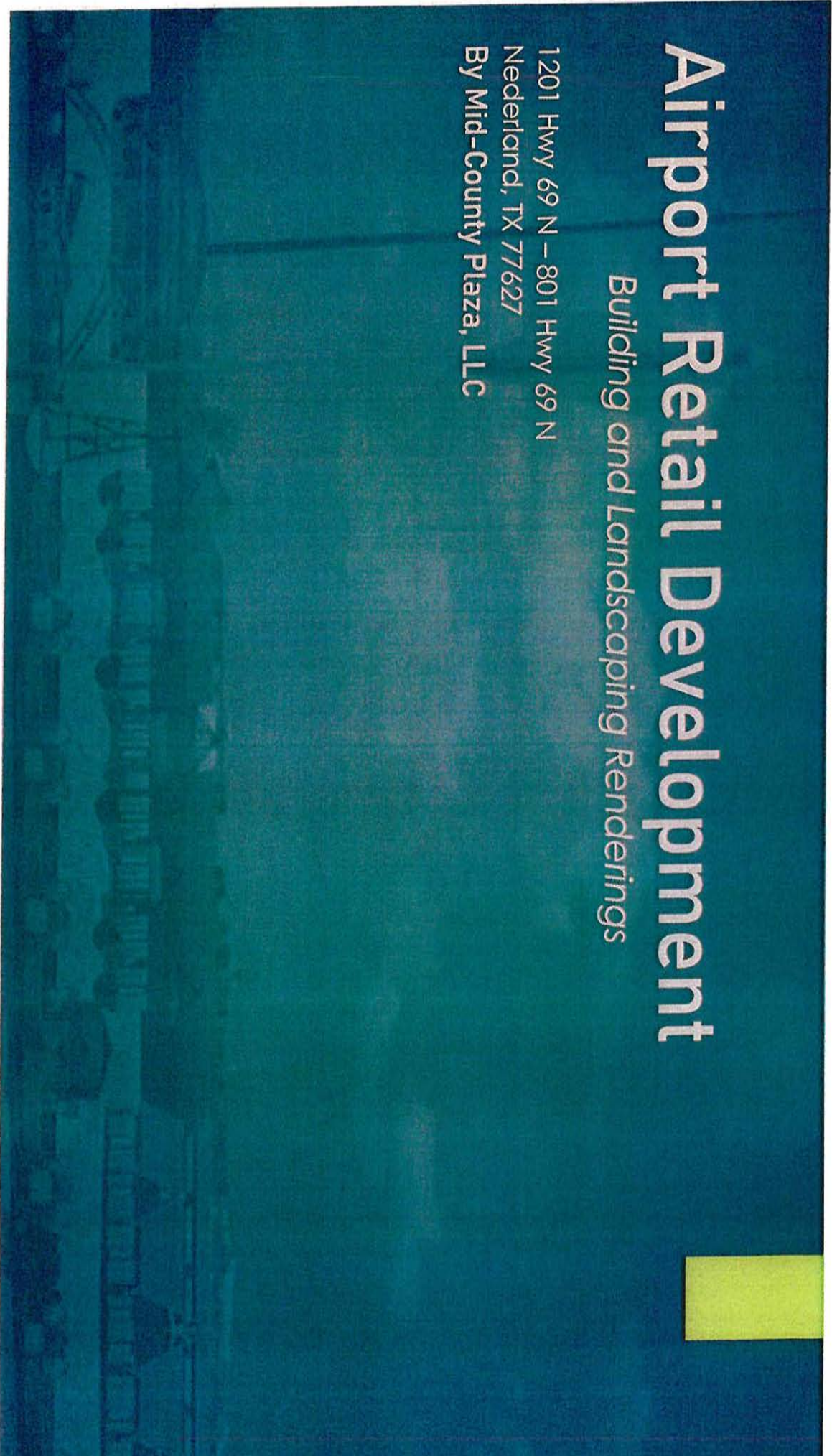
Good morning, Mr. LaBrie has asked me to request to be on the Nederland EDC agenda for a presentation to the Nederland EDC Board in open session related to his retail development at the Jack Brooks Regional Airport. Mr. Floyd Batiste, Mr. LaBrie, and myself will be present to make the presentation. Mr. LaBrie has also requested that this agenda item allow the Board to take action related to the presentation at the meeting. Please let me know what date this meeting will take place and thank you for your time.

[Quoted text hidden]

Airport Retail Development

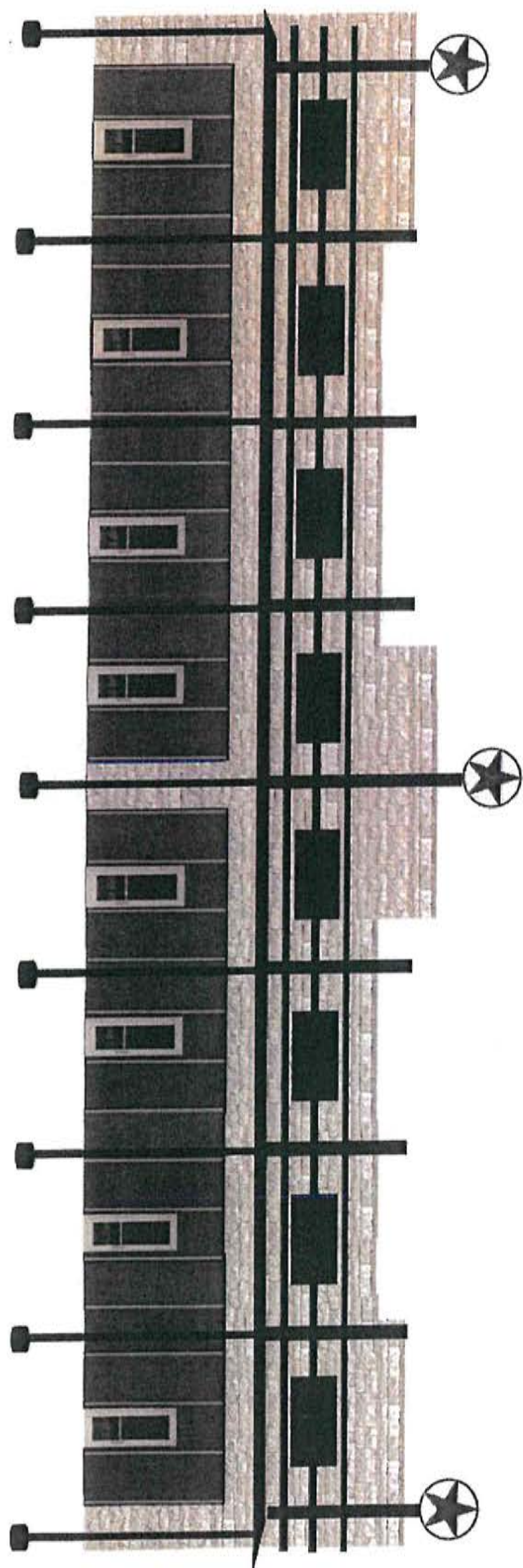
Building and Landscaping Renderings

1201 Hwy 69 N – 801 Hwy 69 N
Nederland, TX 77627
By Mid-County Plaza, LLC

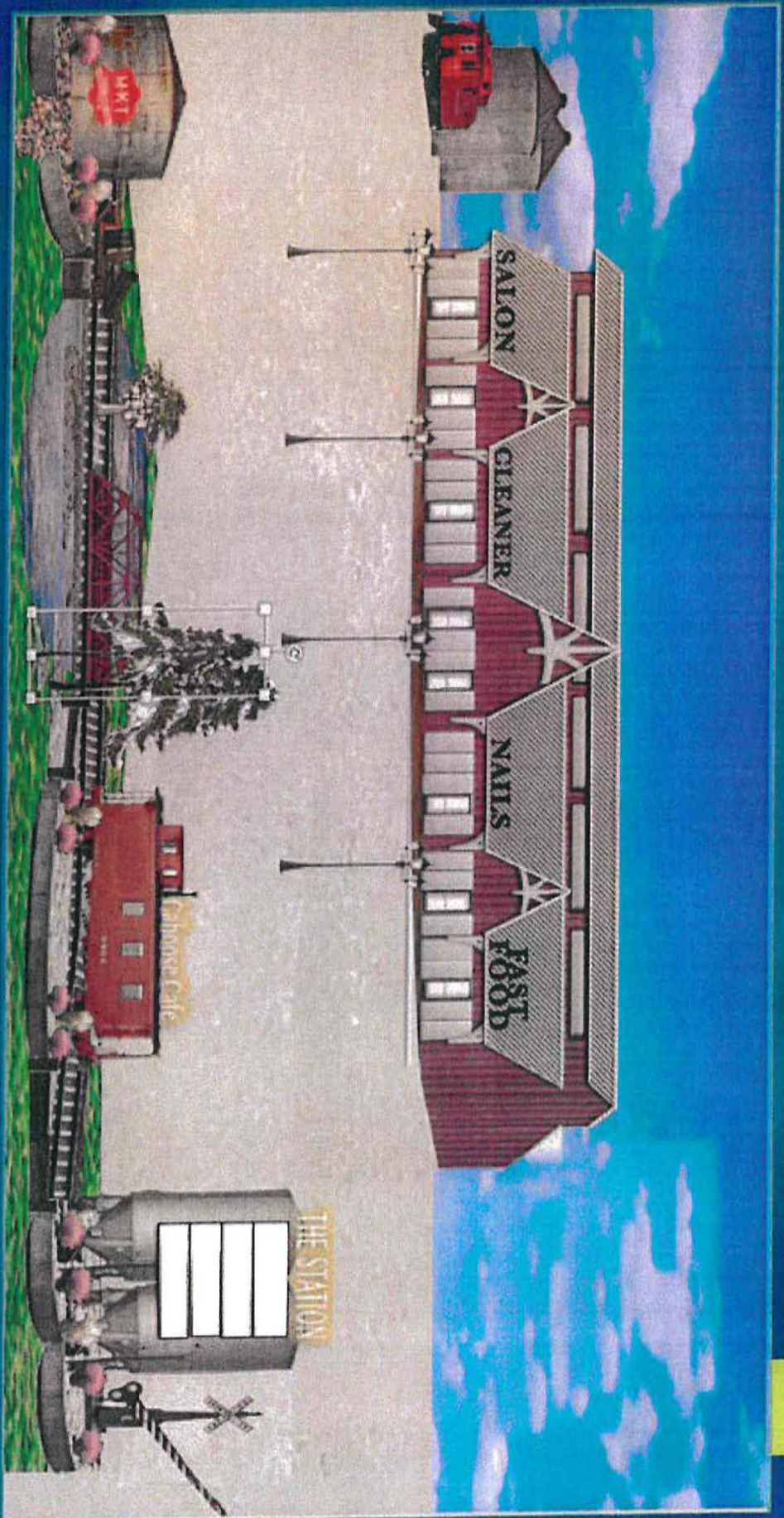


The Hangar









Landscaping at Entrance to Development and along Highway

